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The situation in Bosnia and Herzegovina

Azerbaijan, Bosnia and Herzegovina, Croatia, Egypt, Germany, Hungary, Indonesia, Jordan, Kuwait, Liechtenstein, Malaysia, Morocco, Pakistan, Saudi Arabia, Singapore, Slovenia, the former Yugoslav Republic of Macedonia and Turkey: draft resolution

The situation in Bosnia and Herzegovina

The General Assembly,

Recalling its resolutions 46/242 of 25 August 1992, 47/1 of 22 September 1992, 47/121 of 18 December 1992, 48/88 of 20 December 1993, 49/10 of 3 November 1994, 51/203 of 17 December 1996, 52/150 of 12 December 1997, 53/35 of 30 November 1998 and all relevant resolutions of the Security Council regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders,

Reaffirming its support also for the equality of the three constituent peoples and others in Bosnia and Herzegovina as a united country, with two multi-ethnic entities,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively "the Peace Agreement"), signed in Paris on 14 December 1995,[1]

Welcoming also the efforts for the respect, promotion and protection of human rights and the strengthening of the rule of law in all of Bosnia and Herzegovina and for the development of the common institutions that will ensure that Bosnia and Herzegovina functions as an integrated modern State, accountable to its citizens,

Supporting those institutions and organizations of Bosnia and Herzegovina which are engaged in implementation of the Peace Agreement and the process of reconciliation and reintegration, and noting, however, the insufficient progress by the common institutions

[1] See A/50/790-S/1995/999; see *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995*, document S/1995/999.

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of Bosnia and Herzegovina reported in the assessment of the High Representative for Implementation of the Peace Agreement in Bosnia and Herzegovina before the Security Council on 1 November 1999,

Concerned by the continuing obstructions faced by refugees and displaced persons wishing to return to their pre-war homes, in particular in areas where they would be an ethnic minority, emphasizing the need for all parties and the relevant States and international organizations to create the conditions necessary to facilitate a secure and dignified return, particularly in urban areas such as Sarajevo, Banja Luka and Mostar, and stressing the need for a regional approach to the issue of refugees and displaced persons,

Supporting fully the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, stressing the importance and urgency of the work of the International Tribunal as an element of the process of reconciliation and as a factor contributing to maintaining international peace and security in Bosnia and Herzegovina and in the region as a whole, demanding that States and parties to the Peace Agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolutions 827 (1993) of 25 May 1993, 1022 (1995) of 22 November 1995 and 1207 (1998) of 17 November 1998, including with respect to surrendering persons sought by the Tribunal, and welcoming the efforts to secure compliance with the orders of the Tribunal, consistent with the Security Council mandate,

Having considered the sixth annual report of the International Tribunal,[2] gravely concerned over the continued obstructionism of certain States and entities in the region with respect to execution of the Tribunal's orders and compliance with obligations under international law, as noted in the report, noting that thirty-five individuals named in public indictments still remain at large, most of them at the territory of the former Yugoslavia, and welcoming the efforts of the High Representative and the Commander of the Stabilization Force in implementing the provisions of the Peace Agreement,

Welcoming the mutual recognition among all the successor States of the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations, including the unconditional establishment of diplomatic relations among those States in accordance with the Peace Agreement and the settlement of all issues relating to the succession of the former Yugoslavia, in order to contribute to the achievement of lasting peace and stability in the area,

Welcoming also the successful meeting of Heads of State and Government at the summit level to launch the Stability Pact for South-Eastern Europe in Sarajevo on 29 and 30 July 1999, and stressing that the Stability Pact offers a broad regional framework for further progress in Bosnia and Herzegovina,

Noting that democratization in the region will enhance the prosects for a lasting peace and help to guarantee full respect for human rights in Bosnia and Herzegovina and in the region,

Stressing the importance of full respect for human rights and fundamental freedoms for the success of the peace efforts for the region, and calling upon the Governments and authorities in the region, as well as the relevant international organizations, to facilitate such full respect,

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[2] A/54/187-S/1999/846.

Welcoming the finalization of a draft of the permanent electoral law, expressing support for early adoption of the draft electoral law by the Parliamentary Assembly, noting that such adoption is a prerequisite of membership of the Council of Europe, and reaffirming the importance of genuine democratic representation of all three constituent peoples in all common institutions,

Noting the positive impact of the five previous pledging conferences, held on 21 December 1995, 13 and 14 April 1996, 25 July 1997, 8 and 9 May 1998 and 30 May 1999 and chaired by the World Bank and the European Union, on the peace process and reintegration of the country as well as the reconstruction effort, stressing the importance and urgency of providing the pledged financial assistance and technical cooperation for reconstruction efforts, and stressing the role of economic revitalization in the process of reconciliation, in the improvement of living conditions and in the maintenance of a durable peace in Bosnia and Herzegovina and in the region,

Stressing that the provision of reconstruction aid and financial assistance is conditional upon the parties meeting their obligations under the Peace Agreement,

Recognizing the importance of demining for the normalization of life and for the return of refugees and internally displaced persons,

Encouraging the efforts at reducing the military assets in line with the Agreement on Subregional Arms Control,

Welcoming the important efforts of the European Union and bilateral and other donors to provide humanitarian and economic assistance for reconstruction,

1. *Expresses its full support* for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[1] which constitute the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina, leading to stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

2. *Welcomes* the adoption of the New York Declaration 15 November 1999,[3] in which the Joint Presidency of Bosnia and Herzegovina agreed to important steps for moving forward the process of fully implementing the Peace Agreement, including the establishment of a State Border Service, improved inter-entity military cooperation, steps to improve the functioning of common State institutions, including the creation of a Permanent Secretariat for the Joint Presidency under one roof, the establishment of a joint commission on refugee returns and the creation of a single national passport;

3. *Demands* that all parties facilitate the full implementation of all aspects of the New York Declaration, including, in particular, the Principles on the Establishment of a State Border Service,[4] in a timely manner;

4. *Notes* the progress that has been made towards the implementation of the Peace Agreement, and reiterates its demands for the full, comprehensive and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina;

5. *Supports fully* the efforts of the High Representative in the implementation of the peace process in Bosnia and Herzegovina, in accordance with the Peace Agreement and subsequent Peace Implementation Council Declarations, and calls upon all parties to cooperate fully and in good faith with him;

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[3] S/1999/1179, annex.

[4] Ibid., appendix.

6. *Stresses* the importance of the meeting of Heads of State and Government at the summit level to launch the Stability Pact for South-Eastern Europe in Sarajevo on 29 and 30 July 1999;

7. *Endorses* the concept of "ownership" as presented by the High Representative, whereby the citizens of Bosnia and Herzegovina, and in particular their political leaders, should assume more responsibility in the process of the implementation of the Peace Agreement;

8. *Also recognizes* that the role of the international community remains essential, welcomes the readiness of the international community to continue its efforts towards a self-sustaining peace, and recalls that the responsibility for consolidating peace and security lies primarily with the authorities of Bosnia and Herzegovina;

9. *Welcomes* the vital contribution of the multinational Stabilization Force in providing a secure environment for the implementation of civilian aspects of the Peace Agreement, calls for the fullest cooperation by all parties in this regard, expresses its full support for the efforts of the United Nations International Police Task Force in carrying out its mandate, and commends its efforts in the establishment of the rule of law in Bosnia and Herzegovina;

10. *Underlines* that the assistance provided by the international community remains strictly conditional upon compliance with the Peace Agreement and subsequent obligations, including, in particular, cooperation with the International Tribunal and facilitation of the return of refugees and displaced persons;

11. *Insists upon* the need to surrender all indictees to the International Tribunal for trial, notes that the Tribunal has the authority to address individual responsibility for the perpetration of the crime of genocide, crimes against humanity and other serious violations of international humanitarian law in Bosnia and Herzegovina, and demands that all the parties fulfil their obligations to hand over to the Tribunal all indicted persons in territories under their control and otherwise to comply fully with the orders of the Tribunal and to cooperate with the work of the Tribunal, including with exhumations and other investigative acts, in accordance with article 29 of the statute of the Tribunal, with all relevant Security Council resolutions and in accordance with the relevant provisions of the Peace Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina;

12. *Welcomes* the support given by Member States so far, and urges Member States, taking into account the orders and requests of the International Tribunal, to offer the Tribunal their full support, including financial support, in order to ensure the completion of the purpose of the Tribunal, and to carry out their obligations under the statute of the Tribunal and all relevant Security Council resolutions;

13. *Reaffirms once again* the right of refugees and displaced persons to return voluntarily to their home of origin in accordance with the Peace Agreement, in particular annex 7 thereto, and the realization of the same in cooperation with the Office of the United Nations High Commissioner for Refugees and host countries, calls upon all parties to improve substantially their cooperation with the international community at State, entity and local levels in order to establish immediately the conditions necessary for the return of refugees and displaced persons to their homes and for the freedom of movement and communication of all the citizens of Bosnia and Herzegovina, and upon the relevant international organizations to enhance the conditions to facilitate return, in accordance with relevant provisions of the Peace Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina, and welcomes continued and new efforts by the United Nations agencies, the European Union, bilateral and other donors and intergovernmental and non-

governmental organizations to establish and implement projects designed to facilitate the early voluntary and orderly return of refugees and displaced persons to all regions of Bosnia and Herzegovina, including projects that would help to create a safe and secure environment with increased economic opportunity;

14. *Encourages* the acceleration of the peaceful, orderly and phased return of refugees and displaced persons, including in areas where they would be in the ethnic minority, strongly condemns all acts of intimidation, violence and killings, including those acts designed to discourage the voluntary return of refugees and displaced persons, and demands that such acts be investigated and prosecuted;

15. *Welcomes* the report of the Secretary-General pursuant to paragraph 18 of General Assembly resolution 53/35,[5] commends him for its thoroughness and candour, condemns the brutal acts described therein, deplores the appalling magnitude of the human tragedy that occurred before and after the fall of Srebrenica and Zepa, notes with deep concern some of the revelations contained in the report associated with the conception, development and implementation of the safe area policy, and therefore encourages the Secretary-General and the Member States to address these concerns so as to preclude them from recurring in the future, as recommended in the report;

16. *Reaffirms* the conclusions of previous Peace Implementation Councils on the importance of reform of the media in Bosnia and Herzegovina, endorses the High Representative's decision of 30 July 1999 on the restructuring of the public broadcasting system in Bosnia and Herzegovina, and calls upon the authorities of Bosnia and Herzegovina to implement that decision in full;

17. *Stresses* the importance of establishing, strengthening and expanding throughout all of Bosnia and Herzegovina free and pluralistic media, deplores any action that seeks to intimidate or restrict the freedom of the media, and condemns violent acts of intimidation against journalists;

18. *Supports* the efforts of the High Representative in accordance with the Peace Agreement and the subsequent Peace Implementation Council Declarations to counter obstructionist conduct against the Peace Agreement and reconciliation efforts, and notes in this regard the High Representative's decision of 29 November 1999 to remove twenty-two Bosnian public officials;

19. *Reaffirms once again its support* for the principle that all statements and commitments made under duress, in particular those regarding land and property, are wholly null and void, in accordance with the relevant provisions of the Peace Agreement, and supports the effective engagement of the Commission for Real Property Claims of Displaced Persons and Refugees, in compliance with its mandate;

20. *Endorses* the package of property law reforms imposed by the High Representative on 27 October 1999 aimed at harmonizing the laws in the two entities in order to enable refugees and displaced persons to return to their pre-war homes, as well as the subsequent action by the High Representative to ensure full implementation of the property implementation package, and calls upon the entity parliaments to formally adopt those laws and to contribute actively to their swift implementation;

21. *Emphasizes* the importance of economic revitalization and reconstruction for the successful consolidation of the peace process in Bosnia and Herzegovina, recognizes

[5] A/54/549.

the important contribution of the international community in this regard, and invites it to continue its efforts;

22. *Notes* that corruption and the lack of transparency seriously hamper the economic development of Bosnia and Herzegovina, emphasizes the importance of combating corruption, welcomes the important contribution made in this regard by the Customs and Fiscal Assistance Office, and expresses its full support to the efforts of the Government of Bosnia and Herzegovina and its local bodies and of others that are supportive in this regard;

23. *Supports* the efforts by the High Representative and the multinational Stabilization Force in accordance with the Peace Agreement and subsequent Peace Implementation Council Declarations, to weaken the continued political and economic influence of remaining parallel nationalist structures obstructing the peace implementation;

24. *Stresses* the need for a more comprehensive approach to economic reform, which should contribute to a more homogeneous development of the economy and trade in the two entities and across the inter-entity boundary line;

25. *Stresses* the importance of establishing an economic programme which should include the creation of a framework for private-sector development, including privatizations and improvement of foreign investment conditions, the restructuring of banking and capital markets, the reform of the financial system and an adequate social protection;

26. *Welcomes* the Final Arbitration Award on Brcko, expresses its support for implementation of the Final Arbitration Award in accordance with the Peace Agreement, and stresses that the obligation to cooperate fully with the Supervisor for Brcko is an essential obligation for both of the entities;

27. *Also welcomes* the commitment made by the Joint Presidency of Bosnia and Herzegovina at the summit meeting on the Stability Pact for South-Eastern Europe to reduce unilaterally by fifteen per cent the military budgets, equipment and personnel strength of both entities, effective 31 December 1999, with a significant subsequent reduction thereafter, and calls for the full implementation of those commitments;

28. *Stresses* the need for timely information about the level of cooperation and compliance with the International Tribunal and its orders, the status and programme for the return of refugees and displaced persons to and within Bosnia and Herzegovina and the status and implementation of the Agreement on Subregional Arms Control;

29. *Welcomes* the efforts of the international regional organizations, Member States and non-governmental organizations, including through the Board of Donors, and the Slovenian International Trust Fund for Demining and Mine Victims Assistance in Bosnia and Herzegovina, and invites Member States to continue to support the mine-action activities in Bosnia and Herzegovina;

30. *Commends* the efforts of the international community, including the Council of Europe, the European Union, the European Community Monitoring Mission, the European Bank for Reconstruction and Development, the International Committee of the Red Cross, the International Monetary Fund, the multinational Stabilization Force, non-governmental organizations, the Organization of the Islamic Conference, the Islamic Development Bank, the Islamic Chamber of Commerce and Industry, the Organization for Security and Cooperation in Europe, the Peace Implementation Council and the World Bank, in their roles in the implementation of the Peace Agreement;

31. *Commends in particular* the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the Office of the High

Representative for Implementation of the Peace Agreement in Bosnia and Herzegovina, the Office of the Special Rapporteur for Human Rights of the Commission on Human Rights, on the situation of human rights in the territory of the former Yugoslavia, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the United Nations International Police Task Force, the United Nations Mission in Bosnia and Herzegovina, the United Nations Development Programme and the other United Nations agencies in the peace process, and encourages their further engagement in the peace process in Bosnia and Herzegovina;

32. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "The situation in Bosnia and Herzegovina".